

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 548**

Introduced by Adams, 24.

Read first time January 21, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-2,105 and  
2 79-318, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to student files and duties of the  
4 State Board of Education; and to repeal the original  
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-2,105, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-2,105 A copy of a public or private school's files  
4 or records concerning a student, including academic and any  
5 disciplinary material, shall be provided at no charge, upon  
6 request, to any public or private school to which the student  
7 transfers.

8           Sec. 2. Section 79-318, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           79-318 The State Board of Education shall:

11           (1) Appoint and fix the compensation of the Commissioner  
12 of Education;

13           (2) Remove the commissioner from office at any time for  
14 conviction of any crime involving moral turpitude or felonious act,  
15 for inefficiency, or for willful and continuous disregard of his or  
16 her duties as commissioner or of the directives of the board;

17           (3) Upon recommendation of the commissioner, appoint and  
18 fix the compensation of a deputy commissioner and all professional  
19 employees of the board;

20           (4) Organize the State Department of Education into such  
21 divisions, branches, or sections as may be necessary or desirable  
22 to perform all its proper functions and to render maximum service  
23 to the board and to the state school system;

24           (5) Provide, through the commissioner and his or her  
25 professional staff, enlightened professional leadership, guidance,

1 and supervision of the state school system, including educational  
2 service units. In order that the commissioner and his or her  
3 staff may carry out their duties, the board shall, through the  
4 commissioner: (a) Provide supervisory and consultation services  
5 to the schools of the state; (b) issue materials helpful in the  
6 development, maintenance, and improvement of educational facilities  
7 and programs; (c) establish rules and regulations which govern  
8 standards and procedures for the approval and legal operation  
9 of all schools in the state and for the accreditation of all  
10 schools requesting state accreditation. All public, private,  
11 denominational, or parochial schools shall either comply with  
12 the accreditation or approval requirements prescribed in this  
13 section and section 79-703 or, for those schools which elect not  
14 to meet accreditation or approval requirements, the requirements  
15 prescribed in subsections (2) through (6) of section 79-1601.  
16 Standards and procedures for approval and accreditation shall  
17 be based upon the program of studies, guidance services, the  
18 number and preparation of teachers in relation to the curriculum  
19 and enrollment, instructional materials and equipment, science  
20 facilities and equipment, library facilities and materials, and  
21 health and safety factors in buildings and grounds. Rules and  
22 regulations which govern standards and procedures for private,  
23 denominational, and parochial schools which elect, pursuant to the  
24 procedures prescribed in subsections (2) through (6) of section  
25 79-1601, not to meet state accreditation or approval requirements

1 shall be as described in such section; (d) institute a statewide  
2 system of testing to determine the degree of achievement and  
3 accomplishment of all the students within the state's school  
4 systems if it determines such testing would be advisable;  
5 (e) prescribe a uniform system of records and accounting for  
6 keeping adequate educational and financial records, for gathering  
7 and reporting necessary educational data, and for evaluating  
8 educational progress; (f) cause to be published laws, rules, and  
9 regulations governing the schools and the school lands and funds  
10 with explanatory notes for the guidance of those charged with the  
11 administration of the schools of the state; (g) approve teacher  
12 education programs conducted in Nebraska postsecondary educational  
13 institutions designed for the purpose of certificating teachers  
14 and administrators; (h) approve teacher evaluation policies and  
15 procedures developed by school districts and educational service  
16 units; and (i) approve general plans and adopt educational  
17 policies, standards, rules, and regulations for carrying out the  
18 board's responsibilities and those assigned to the State Department  
19 of Education by the Legislature;

20 (6) Adopt and promulgate rules and regulations for  
21 the guidance, supervision, accreditation, and coordination of  
22 educational service units. Such rules and regulations for  
23 accreditation shall include, but not be limited to, (a) a  
24 requirement that programs and services offered to school districts  
25 by each educational service unit shall be evaluated on a regular

1 basis, but not less than every seven years, to assure that  
2 educational service units remain responsive to school district  
3 needs and (b) guidelines for the use and management of funds  
4 generated from the property tax levy and from other sources of  
5 revenue as may be available to the educational service units,  
6 to assure that public funds are used to accomplish the purposes  
7 and goals assigned to the educational service units by section  
8 79-1204. The State Board of Education shall establish procedures to  
9 encourage the coordination of activities among educational service  
10 units and to encourage effective and efficient educational service  
11 delivery on a statewide basis;

12 (7) Submit a biennial report to the Governor and the  
13 Clerk of the Legislature covering the actions of the board, the  
14 operations of the State Department of Education, and the progress  
15 and needs of the schools and recommend such legislation as may be  
16 necessary to satisfy these needs;

17 (8) Prepare and distribute reports designed to acquaint  
18 school district officers, teachers, and patrons of the schools with  
19 the conditions and needs of the schools;

20 (9) Provide for consultation with professional educators  
21 and lay leaders for the purpose of securing advice deemed necessary  
22 in the formulation of policies and in the effectual discharge of  
23 its duties;

24 (10) Make studies, investigations, and reports and  
25 assemble information as necessary for the formulation of policies,

1 for making plans, for evaluating the state school program, and for  
2 making essential and adequate reports;

3 (11) Submit to the Governor and the Legislature a  
4 budget necessary to finance the state school program under its  
5 jurisdiction, including the internal operation and maintenance of  
6 the State Department of Education;

7 (12) Interpret its own policies, standards, rules, and  
8 regulations and, upon reasonable request, hear complaints and  
9 disputes arising therefrom;

10 (13) With the advice of the Department of Motor Vehicles,  
11 adopt and promulgate rules and regulations containing reasonable  
12 standards, not inconsistent with existing statutes, governing: (a)  
13 The general design, equipment, color, operation, and maintenance of  
14 any vehicle with a manufacturer's rated seating capacity of eleven  
15 or more passengers used for the transportation of ~~school children,~~  
16 public, private, denominational, or parochial school students; and  
17 (b) the equipment, operation, and maintenance of any vehicle with  
18 a capacity of ten or less passengers used for the transportation  
19 of public, private, denominational, or parochial school students,  
20 when such vehicles are owned, operated, or owned and operated by  
21 any public, private, denominational, or parochial school district  
22 or privately owned or operated under contract with any such school  
23 district in this state, except for vehicles owned by individuals  
24 operating a school which elects pursuant to section 79-1601 not  
25 to meet accreditation or approval requirements. Similar rules and

1 regulations shall be adopted and promulgated for operators of such  
2 vehicles as provided in section 79-607;

3 (14) Accept, on behalf of the Nebraska Center for the  
4 Education of Children who are Blind or Visually Impaired, ~~formerly~~  
5 ~~the Nebraska School for the Visually Handicapped~~, devise of real  
6 property or donations or bequests of other property, or both, if in  
7 its judgment any such devise, donation, or bequest is for the best  
8 interest of the center or the students receiving services from the  
9 center, or both, and irrigate or otherwise improve any such real  
10 estate when in the board's judgment it would be advisable to do so;  
11 and

12 (15) Upon acceptance of any devise, donation, or bequest  
13 as provided in this section, administer and carry out such devise,  
14 donation, or bequest in accordance with the terms and conditions  
15 thereof. If not prohibited by the terms and conditions of any such  
16 devise, donation, or bequest, the board may sell, convey, exchange,  
17 or lease property so devised, donated, or bequeathed upon such  
18 terms and conditions as it deems best and remit all money derived  
19 from any such sale or lease to the State Treasurer for credit to  
20 the State Department of Education Trust Fund.

21 Each member of the Legislature shall receive a copy of  
22 the report required by subdivision (7) of this section by making a  
23 request for it to the commissioner.

24 None of the duties prescribed in this section shall  
25 prevent the board from exercising such other duties as in its

1 judgment may be necessary for the proper and legal exercise of its  
2 obligations.

3           Sec. 3. Original sections 79-2,105 and 79-318, Reissue  
4 Revised Statutes of Nebraska, are repealed.